



General Assembly

February Session, 2008

**Amendment**

LCO No. 6528

**\*HB0581406528HDO\***

Offered by:  
REP. FONTANA, 87<sup>th</sup> Dist.

To: Subst. House Bill No. 5814

File No. 323

Cal. No. 190

**"AN ACT CONCERNING COMMUNITY ACCESS TELEVISION."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective from passage*) (a) Any third-party  
4 nonprofit community access provider serving six municipalities, one of  
5 which has a population of more than one hundred thirty thousand,  
6 shall, upon request from any town organization, authority, body or  
7 official within its service territory, provide written consent, pursuant  
8 to its service provider agreements, for said town organization,  
9 authority, body or official to (1) operate education and government  
10 public access channels in that town, and (2) engage freely and directly  
11 the community antenna television company providing services in that  
12 town to use their headend equipment for dissemination of town-  
13 specific community access programming on such channels. Said third-  
14 party nonprofit community access provider must grant such written  
15 consent to said requesting town organization, authority, body or  
16 official within three business days. Written consent not provided

17 within three business days shall be deemed granted.

18 (b) If a third-party nonprofit provider fails to provide written  
19 consent within three days, pursuant to subsection (a) of this section,  
20 the Department of Public Utility and Control shall, upon a request  
21 from a town organization, authority, body or official within the service  
22 territory of that third-party nonprofit community access provider  
23 serving six municipalities, one of which has a population of more than  
24 one hundred thirty thousand, (1) terminate, revoke or rescind such  
25 third party nonprofit provider's service agreement to provide public  
26 access programming within one hundred eighty days, and (2) reopen  
27 the application process to secure a community access provider for each  
28 of the towns within the affected service territory.

29 Sec. 2. (NEW) (*Effective from passage*) (a) A community antenna  
30 television company, a certified competitive video service provider that  
31 was providing service as a community antenna television company  
32 pursuant to section 16-331 of the 2008 supplement to the general  
33 statutes on October 1, 2007, or a holder of a certificate of cable  
34 franchise authority that provides services within a service territory of a  
35 third-party nonprofit community access provider that serves six  
36 municipalities, one of which has a population of more than one  
37 hundred thirty thousand, shall direct the sum of one hundred  
38 thousand dollars per year from the funds collected from subscribers in  
39 said service territory that it provides to the existing third-party  
40 nonprofit community access provider serving six municipalities, one of  
41 which has a population of more than one hundred thirty thousand,  
42 directly to the service territory's community antenna television  
43 advisory council for developing town-specific education and  
44 government community access programming.

45 (b) A community antenna television advisory council that receives  
46 funds pursuant to subsection (a) of this section shall distribute said  
47 funds in their entirety to a town organization, authority, body or  
48 official in the service territory of a third-party nonprofit community  
49 access provider serving six municipalities, one of which has a

50 population of more than one hundred thirty thousand, to support the  
51 development of production and programming capabilities for town-  
52 specific education and government public access programming,  
53 pursuant to grant procedures and processes established by said  
54 council.

55 (c) Any community antenna television advisory council that  
56 receives funds pursuant to subsection (a) of this section shall report no  
57 later than February 1, 2009, and annually thereafter to the Department  
58 of Public Utility Control all completed or planned disbursements of  
59 funds and certify that said funds were spent in their entirety and used  
60 for the public good in the creation of town-specific education and  
61 government public access programming for at least one of the towns in  
62 its service territory.

63 Sec. 3. (NEW) (*Effective from passage*) (a) Local community antenna  
64 television advisory councils shall mediate customer inquiries or  
65 complaints regarding public access television within their service  
66 areas. Inquiries or complaints may involve issues, including, but not  
67 limited to, public access service, public access funding allocation,  
68 access to production studios, quality of programming, availability of  
69 town-specific programming and other public access television issues.

70 (b) If any party is unsatisfied with such council's proposed  
71 resolution of such inquiry or complaint, such party may bring the  
72 party's issue to the Department of Public Utility Control. The  
73 department shall adopt regulations in accordance with chapter 54 of  
74 the general statutes to set forth the manner in which the department  
75 shall handle such issues.

76 (c) Not later than January 1, 2009, each community access provider  
77 shall notify residents in its service area regarding contact information  
78 for the local cable access advisory council.

79 Sec. 4. Subsection (c) of section 16-333 of the general statutes is  
80 repealed and the following is substituted in lieu thereof (*Effective from*  
81 *passage*):

82 (c) The Department of Public Utility Control shall adopt regulations  
83 in accordance with chapter 54 requiring each community antenna  
84 television company or holder of a certificate of cable franchise  
85 authority to [maintain] provide to all of its subscribers at least [one] the  
86 number of specially designated, noncommercial community access  
87 [channel] channels, including all town-specific channels, that its  
88 predecessor community antenna television company or its affiliate  
89 provided or made available to [the public] all of its subscribers in a  
90 given area as of January 1, 2008, and establishing minimum standards  
91 for the equipment supplied by such company for the community  
92 access programming and requirements concerning the availability and  
93 operation of such [channel] channels. The regulations adopted  
94 pursuant to this section shall not require a community antenna  
95 television company or holder of a certificate of cable franchise  
96 authority to employ a specific transmission technology or protocol, nor  
97 specify the use of digital, analog or other carriage, provided a  
98 community antenna television company or holder of a certificate of  
99 cable franchise authority shall not discriminate in the signal quality,  
100 functionality or accessibility that it provides on the basis of the  
101 commercial or noncommercial status of a channel.

102 Sec. 5. Section 16-331d of the general statutes is repealed and the  
103 following is substituted in lieu thereof (*Effective from passage*):

104 (a) The chief elected official from the town in which a vacant seat  
105 exists on a community antenna television advisory council shall  
106 appoint a member to fill such vacancy if any other appointing  
107 authority fails to make an appointment within six months of the time  
108 in which a vacancy occurs.

109 (b) No member of a community antenna television advisory council  
110 appointed by the chief elected official of a municipality, the board of  
111 education or the public libraries shall be an employee of a community  
112 antenna television company but any member of a community antenna  
113 television advisory council may be an employee of a community access  
114 provider. For the purposes of this subsection, an employee includes

115 any person working full or part time or performing any subcontracting  
116 or consulting services for the company or community access provider.

117 Sec. 6. Section 16-331t of the 2008 supplement to the general statutes  
118 is repealed and the following is substituted in lieu thereof (*Effective*  
119 *from passage*):

120 (a) A company issued a certificate of cable franchise authority shall,  
121 twice a year, convene a meeting with the advisory council established  
122 pursuant to its previous certificate of public convenience and necessity  
123 issued pursuant to section 16-331 of the 2008 supplement to the general  
124 statutes. Members shall be appointed in accordance with section 16-  
125 331d. No member of the advisory council shall be an employee of a  
126 company providing community antenna television service or video  
127 service but any member of a community antenna television advisory  
128 council may be an employee of a community access provider. For the  
129 purposes of this subsection, an employee includes any person working  
130 full or part time or performing any subcontracting or consulting  
131 services for a company providing community antenna television  
132 service or video service or community access provider.

133 (b) A company issued a cable franchise authority certificate shall  
134 provide funding to the advisory council in the amount of two  
135 thousand dollars per year.

136 (c) Members of the advisory council shall serve without  
137 compensation. For the purposes of this section, compensation shall  
138 include the receipt of any free or discounted community antenna  
139 television service or video service.

140 (d) The Department of Public Utility Control shall designate the  
141 advisory council as an intervenor in any contested case proceeding  
142 before the department involving the company it advises. Such  
143 company shall provide to the chairperson of the advisory council a  
144 copy of any report, notice or other document it files with the  
145 department in any applicable proceeding.

146 (e) Any company issued a certificate of cable franchise authority  
147 shall, every six months, provide on bills, bill inserts or letters to  
148 subscribers, a notice indicating the name and address of the  
149 chairperson of the advisory council and describing the responsibilities  
150 of such advisory council. The advisory council shall have an  
151 opportunity to review such notice prior to its distribution.

152 Sec. 7. Section 16-331h of the 2008 supplement to the general statutes  
153 is repealed and the following is substituted in lieu thereof (*Effective*  
154 *October 1, 2008*):

155 (a) Not later than one hundred twenty days after the certified  
156 competitive video service provider begins offering service in a  
157 designated area pursuant to its certificate of video franchise authority,  
158 such provider shall provide capacity over its video service to allow  
159 community access programming, in its basic service package, in  
160 accordance with the following: (1) The certified competitive video  
161 service provider shall provide capacity equal to the number of  
162 community access channels currently offered by the incumbent  
163 community antenna television company in the given area; (2) the  
164 certified competitive video service provider shall provide funds for  
165 community access operations, as provided in subsection (k) of section  
166 16-331a of the 2008 supplement to the general statutes; (3) the certified  
167 competitive video service provider shall provide the transmission of  
168 community access programming with connectivity up to the first two  
169 hundred feet from the competitive video service provider's activated  
170 wireline video programming distribution facility located in the  
171 provider's designated service area and shall not provide additional  
172 requirements for the creation of any content; and (4) the community  
173 access programming shall be submitted to the certified competitive  
174 video service provider in a manner or form that is compatible with the  
175 technology or protocol utilized by said competitive video service  
176 provider to deliver video services over its particular network, and is  
177 capable of being accepted and transmitted by the provider, without  
178 requirement for additional alteration or change in the content by the  
179 provider.

180 (b) A certified competitive video service provider and a community  
181 antenna television company or nonprofit organization providing  
182 community access operations shall engage in good faith negotiation  
183 regarding interconnection of community access operations where such  
184 interconnection is technically feasible or necessary. Interconnection  
185 may be accomplished by direct cable, microwave link, satellite, current  
186 best industry practices or other reasonable method of connection. At  
187 the request of a competitive video service provider, community  
188 antenna television company or provider of community access  
189 operations, the Department of Public Utility Control may facilitate the  
190 negotiation for such interconnection.

191 (c) Not later than one hundred twenty days after the certified  
192 competitive video service provider begins offering service in a  
193 designated area pursuant to its certificate of video franchise authority,  
194 such provider shall provide transmission of the Connecticut Television  
195 Network to all its subscribers, including real-time transmission as  
196 technically feasible, under the same conditions as set forth in  
197 subdivisions (3) and (4) of subsection (a) of this section.

198 (d) On or after March 1, 2009, but before April 1, 2009, the  
199 Department of Public Utility Control shall initiate an uncontested case  
200 proceeding to evaluate the video and audio quality, and length of time  
201 necessary to access and view town-specific public, education and  
202 government community access programming and content that  
203 certified competitive video service providers and holders of a  
204 certificate of cable franchise authority provide to their subscribers.

205 Sec. 8. (NEW) (*Effective from passage*) (a) Notwithstanding any statute  
206 or order of the Department of Public Utility Control, a community  
207 antenna television company or its affiliate shall qualify, be certified or  
208 provide service as a competitive video service provider in any area or  
209 municipality where it or an affiliate was providing service as a  
210 community antenna television company pursuant to section 16-331 of  
211 the 2008 supplement to the general statutes on or before October 1,  
212 2007, provided it (1) on or before October 1, 2008, files with the

213 Department of Public Utility Control an affidavit signed by an officer  
214 or general partner of such company or affiliate attesting to its intention  
215 to provide video service in an area in which it did not provide  
216 community antenna television service as a community antenna  
217 television company, pursuant to section 16-331 of the 2008 supplement  
218 to the general statutes, on or before October 1, 2007, and to provide  
219 such service to no fewer than one hundred thousand homes in an area  
220 in the state in which it did not provide community antenna television  
221 service pursuant to said section 16-331 and to do so no later than  
222 January 1, 2012, (2) on or before January 1, 2010, initiates construction  
223 or acquires access to wireline assets necessary to offer video service to  
224 at least one hundred thousand homes in the state no later than January  
225 1, 2012, as a competitive video service provider in an area in which it  
226 did not provide community antenna television service pursuant to said  
227 section 16-331 before October 1, 2007, (3) agrees to be subject to, and to  
228 comply with, community access programming and operations set forth  
229 in subsections (b) to (i), inclusive, and subsections (k), (l) and (n) of  
230 section 16-331a of the 2008 supplement to the general statutes and any  
231 regulations pursuant thereto and subsection (c) of section 16-333 of the  
232 2008 supplement to the general statutes and any regulations pursuant  
233 thereto within any franchise area in which it was providing  
234 community antenna television service pursuant to said section 16-331,  
235 (4) agrees to be subject to, and to comply with, section 16-331t of the  
236 2008 supplement to the general statutes within any franchise area in  
237 which it was providing community antenna television service  
238 pursuant to said section 16-331, (5) agrees to be subject to, and to  
239 comply with, any state laws or regulations applicable to public service  
240 companies for any area in which it was providing community antenna  
241 television service as of October 1, 2007, pursuant to said section 16-331.

242 (b) Any company or affiliate that was providing community  
243 antenna television service as of October 1, 2007, pursuant to section 16-  
244 331 of the 2008 supplement to the general statutes but that has been  
245 issued a certificate of video franchise authority before April 1, 2008, to  
246 offer video service in any franchise area where it was providing



247 community antenna television service on October 1, 2007, pursuant to  
248 said section 16-331 that does not follow the process outlined in  
249 subsection (a) of this section by the given deadlines shall have their  
250 certificate of video franchise authority revoked by the Department of  
251 Public Utility Control and they shall be issued a certificate of cable  
252 franchise authority in its place.

253 (c) No company or its affiliate shall qualify, be certified or hold a  
254 certificate of cable franchise authority in any franchise area of the state  
255 where it was providing community antenna television service  
256 pursuant to said section 16-331 on October 1, 2007, unless a certified  
257 competitive video service provider or a municipal electric utility or its  
258 affiliate or subsidiary has been offering video service as defined in  
259 public act 07-253 to at least one customer in that franchise area for a  
260 period of thirty days except in a franchise area where a company or  
261 affiliate was a holder of a certificate of cable franchise authority as of  
262 April 1, 2008.

263 (d) Nothing in this section shall affect or otherwise limit or restrict  
264 the eligibility of a municipal electric utility, its affiliates or subsidiaries,  
265 to be certified as a competitive video service provider pursuant to  
266 section 16-331dd of the 2008 supplement to the general statutes, as  
267 amended by this act.

268 Sec. 9. (NEW) (*Effective from passage*) Any community antenna  
269 television company or third-party, nonprofit organization, designated  
270 a community access provider prior to October 1, 2007, that supplied  
271 equipment, technical assistance or funding to autonomous, locally run  
272 nonprofit operations producing town-specific community access  
273 programming shall continue to provide such equipment, technical  
274 assistance or funding to such operations in the manner and  
275 proportions established prior to October 1, 2007.

276 Sec. 10. Section 16-331s of the 2008 supplement to the general  
277 statutes is repealed and the following is substituted in lieu thereof  
278 (*Effective from passage*):

279 [(a)] A company issued a certificate of cable franchise authority shall  
280 be subject to the community access programming and operations  
281 provisions set forth in subsections (b) to [(i), inclusive, and subsections  
282 (k)] (l), inclusive, and (n) of section 16-331a of the 2008 supplement to  
283 the general statutes, and any regulations pursuant thereto, and  
284 subsection (c) of section 16-333, as amended by this act, and any  
285 regulations pursuant thereto.

286 (b) A company issued a cable franchise authority certificate shall  
287 provide transmission of the Connecticut Television Network to all its  
288 subscribers, including real-time transmission as technically feasible.

289 Sec. 11. Subsection (c) of section 16-331a of the 2008 supplement to  
290 the general statutes is repealed and the following is substituted in lieu  
291 thereof (*Effective from passage*):

292 (c) If a community-based nonprofit organization in a franchise area  
293 desires to assume responsibility for community access operations, it  
294 shall, upon timely petition to the department, be granted intervenor  
295 status in a franchise proceeding held pursuant to this section. The  
296 department shall assign this responsibility to the most qualified  
297 community-based nonprofit organization or the company based on the  
298 following criteria: (1) The recommendations of the advisory council  
299 and of the municipalities in the franchise area; (2) a review of the  
300 organization's or the company's performance in providing community  
301 access programming; (3) the operating plan submitted by the  
302 organization and the company for providing community access  
303 programming; (4) the experience in community access programming  
304 of the organization; (5) the organization's and the company's proposed  
305 budget, including expenses for salaries, consultants, attorneys, and  
306 other professionals; (6) the quality and quantity of the programming to  
307 be created, promoted or facilitated by the organization or the  
308 company; (7) a review of the organization's procedures to ensure  
309 compliance with federal and state law, including the regulations of  
310 Connecticut state agencies; and (8) any other criteria determined to be  
311 relevant by the department. If the department selects an organization

312 to provide community access operations, the company shall provide  
 313 financial and technical support to the organization in an amount to be  
 314 determined by the department. On petition of the Office of Consumer  
 315 Counsel, [or] the franchise's advisory council, any community-based  
 316 nonprofit organization or on its own motion, the department shall hold  
 317 a hearing, with notice, on the ability of the organization to continue its  
 318 responsibility for community access operations. In its decision  
 319 following such a hearing, the department may reassign the  
 320 responsibility for community access operations to another organization  
 321 or the company in accordance with the provisions of this subsection.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>from passage</i>	16-333(c)
Sec. 5	<i>from passage</i>	16-331d
Sec. 6	<i>from passage</i>	16-331t
Sec. 7	<i>October 1, 2008</i>	16-331h
Sec. 8	<i>from passage</i>	New section
Sec. 9	<i>from passage</i>	New section
Sec. 10	<i>from passage</i>	16-331s
Sec. 11	<i>from passage</i>	16-331a(c)